

EXHIBIT D
DISCOVERY DOCUMENTS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RONALD D. GONZALEZ

§

v.

§

CIVIL ACTION NO.
SA-15-CV-986-RCL

UNITED PARCEL SERVICE

§

AFFIDAVIT

"My name is Thomas J. Crane; I am over the age of eighteen, and am capable of providing this statement and affidavit. I am an attorney licensed in the state of Texas. I have been licensed in Texas since 1989. I am admitted to the Western District of Texas and the Fifth Circuit Court of Appeals.

"I represent Ronald D. Gonzalez in Cause No. SA-15-CV-986-RCL. I have represented the Plaintiff in this lawsuit since it was filed. My office received the attached deposition excerpts from the appropriate court reporter firms. My office has maintained these discovery documents and deposition excerpts since receipt. Correct copies of these discovery documents and deposition excerpts are attached.

"I swear or affirm that the above statement is true and correct. I have been given an opportunity to review this statement and to make any necessary changes."

Signed on 14 July, 2017.

Thomas J. Crane
Thomas J. Crane

SUBSCRIBED AND SWORN TO BEFORE ME on July 14, 2017,
to certify which witness my hand and official seal.



Kimberly L. Wynns
Notary Public, State of Texas

Welcome to the UPS Leave Management System

Home Case Reporting Site Administration Help Log Off

UPS Production Environment
Hewitt Datacenter

Case Intake - UPS (LOA) (Saved Record)

Prescreen Values:

Employee First Name * RONALD
 Employee Middle Initial * D
 Employee Last Name * GONZALEZ
 Employee Date of Birth * REDACTED
 Employee SSN * XXX-XX-1823
 Home Address 1 * 9903 CAROLWOOD DRIVE
 Home Address 2 * N/A
 Home City * SAN ANTONIO
 Home State * Texas
 Home Zip * 78213
 Employee Home Phone # * (210) 865 - 3266 ext.

(Example (Area code) Exchange - Four Digits - Extension)
 Mailing Address 1 * 9903 CAROLWOOD DRIVE

Mailing Address 2

Mailing City *

SAN ANTONIO

Mailing State *

United States of America
Alabama

Mailing Zip *

78213 -

If temporary address entered, ask "Is this a permanent change?" ☐ Yes
☐ No

Agent Note/Script

If the employee indicated that the temporary address is a permanent change, please read the following: "I am unable to make a permanent change to your record. Please contact your HR Representative or update your record on UPSers.com"

Work State *

United States of America
Alabama

Employee Work Phone # *

() - ext.

Employee Cell Phone #

(Example (Area code) Exchange - Ten Digits - Extension)

() - ext.

Employee Email Address

(Example (Area code) Exchange - Four Digits - Extension)

ronaldgonzalez@ups.com

Employee Personal Email Address

Example someone@someplace.com

Example someone@someplace.com

Are you requesting a new leave prior to returning to work from an existing leave of absence? ☐ Yes
☒ No

Agent Note

If the answer is "Yes", obtain the employee's Emp ID; Search for existing claim; Close existing claim as of current date with reason of "Miscellaneous", without returning the employee to work in Nucleus; Return to Initiate Case and proceed with intake.

Case Number

Employee Status (active, terminated) * A

Agent Note/Script

For employees who are showing in a "Terminated" status, please read the following: "Based on your employment status, you are not eligible for a leave of absence; if you dispute your termination status, call 1-800-UPS-1508 or contact your HR representative."

Original Date of Hire *

08/10/2007

Adjusted Date of Hire *

08/10/2007

Employment Status (PT, FT, FX, PX) *

Full Time

Union Indicator *

No

Job Title/Code *

ENT ACCT INSIDE SALES REP

Management Indicator *

No

Hourly or Salary? *

Salaried

Hours per Week *

40.80

In general, what is your normally scheduled work week (in hours per day)?

Monday *


8.16

D-RG-000192


Tuesday *	8.16
Wednesday *	8.16
Thursday *	8.16
Friday *	8.16
Saturday *	0
Sunday *	0
Supervisor Name *	EASON, GRACE E
Supervisor Email Address *	geason@ups.com
Supervisor/Center Contact Number	Example someone@someplace.com () - ext. (Example (Area code) Exchange - Four Digits - Extension)
Employee HR Representative Name *	SHORTER, MONICA E
Employee HR Email Address *	MONICASHORTER@UPS.COM
What is the reason for your leave? *	Example someone@someplace.com My Own Medical Condition
STD Plan Carrier *	AETNA
Agent Note	
If STD Plan Carrier equals Aetna, ask the following question	
Have you already filed a claim with Aetna?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Agent Note	
If Yes - Continue with Claim	
If No - Read the following Script:	
Please be advised that at the end of this call, I will be transferring you over to Aetna to report your claim. In the event that we get disconnected, Aetna's contact number is 1-866-825-0186.	
Agent Note	
If above reason for leave equals My Own Medical Condition and the Management indicator equals "Y" ask the following question:	
Is the reason for leave due to a work related injury or illness? *	<input type="radio"/> Yes <input checked="" type="radio"/> No
IMPORTANT PROCESSING STEP If Yes, Change the above reason for leave from My Own Medical Condition to Medical Condition due to Workplace Injury/Illness	
Agent Note	
If the leave reason of Military was selected, please read the following to the employee:	
You are eligible for one (1) unpaid 'prep day' per every 30 calendar days of Military leave, up to a maximum of 5 days. How many 'prep days' would you like to take prior to your deployment?	
What was or will be your last day worked prior to the start of your leave of absence? *	10/26/2011 (Example mm/dd/yyyy)
Agent Note/Script	
If the leave reason Military was selected and the employee has opted to take "prep days", calculate the leave start date using the following formula and the employee's work schedule. Formula: LDW + # of "prep days" elected = Leave Start Date (e.g.: LDW = Friday, 05/01, employee elected two (2) "prep days", employee works Mon-Fri schedule, leave start date = Wednesday, 05/06)	
What is the requested leave start date? *	10/27/2011 (Example mm/dd/yyyy)
Agent Note/Script	
If the leave reason of Military is selected, read the following to the employee: "The length of time that you have to return to work at UPS following your discharge/release from Active Duty is determined by USERRA and based on the length of your leave."	
Agent Note If employee has additional questions, refer to knowledge base.	
What is your estimated return to work date? *	03/15/2012 (Example mm/dd/yyyy)
Source of Leave Request *	Employee Manager HR
Agent Note	
After selecting from the drop down, please capture the following information	
What is the name of the person reporting the leave?	Aetna
What is the full title or relationship of person reporting leave?	
What is a contact number for the person reporting the leave?	() - ext. (Example (Area code) Exchange - Four Digits - Extension)
Employee Last Name *	GONZALEZ
Is this a FMLA Claim? *	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this a STD Claim? *	<input checked="" type="radio"/> Yes <input type="radio"/> No
STD Plan Carrier	N/A
Agent Note	
If STD Plan Carrier is blank, this is a Non UPS administered Plan. Please inform employee to contact their local union to file for disability.	

D-RG-000193

LTD Plan Carrier	METLIFE
Is this a LTD Claim? *	<input type="radio"/> Yes <input checked="" type="radio"/> No
Agent Note If Yes, ask the following questions:	
Have you filed a Long Term Disability claim with your LTD carrier?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Agent Note/Script If No, please read the following: As soon as we complete this call, please file a claim with your Long Term Disability carrier. If you need assistance in obtaining information regarding your individual plan, please contact the Benefit Service Center at 1-800-UPS-1508.	
If this is an LTD claim, what is your LTD approved through date?	<input type="text"/> (Example mm/dd/yyyy)
Will your leave be for a continuous period or for intermittent periods? *	<input checked="" type="radio"/> Continuous <input type="radio"/> Intermittent
Comments	<input type="text"/>

Progress  Step 3 of 4

[View Claim](#)

[Next](#) 

D-RG-000194

Gonzalez Ronald (RDN4HPJ)

From: Gutmann Kate (SER1KXG)
Sent: Tuesday, April 24, 2012 3:05 PM
To: Gonzalez Ronald (RDN4HPJ)
Cc: BUTLER JOHN (MAS1JCL)
Subject: FW: Retail sales Rep

Ron, A clear example of you making a distinct impression! Thanks for your efforts! Kate

From: The UPS Store Chester [mailto:store5497@theupsstore.com]
Sent: Sunday, April 08, 2012 10:56 AM
To: Mathis Stuart (IOY1SSM)
Cc: Dandrea Steve (NYC1SSD); Thomas J Heinz <tjheinz@aol.com>
Subject: Retail sales Rep

Stuart, just wanted to comment on my Retail Sales Rep. I received a call a few weeks ago from Ronald Gonzalez who introduced himself as my Retail Sales Rep. I was surprised and very impressed with what he told me about how the group was formed and that you and Rocky had been there at the formation of the group. He also told me that their office was going to look like a UPS Store which to me said that there is a significant level of commitment to make this work.

In the end the only thing that counts is results. In working with Ron he has been helpful with two customers. In one instance I have a customer who over the last five years shipped frequently to Virgin Gorda. When she first came to me she insisted that I use FEDEX since in her words "you can't find UPS in Virgin Gorda". As a result I opened a FEDEX account and have done significant dollars with them. From time to time I had tried to use UPS but there were always major service issues, Trying to find someone at UPS to help me was impossible. Up until Ron calling me the only way I actually received any substantive response was to post a complaint on Twitter to which I received an immediate response.

Since I have been working with Ron, I have had seven shipments to Virgin Gorda via UPS and none with FEDEX. I realize that for UPS this is insignificant but for me this means a lot. Another area Ron has been helpful in is for Inbound Intl shipments. I had a customer looking to do inbound Air freight from Europe. Since I can't get a discounted rate I wanted to set this up for the customer direct with SCS. When I tried doing this SCS kept telling me that the customer should open a six digit account and then work through SCS. This wasn't attractive to me as I didn't want to have my customer set up a six digit account. Ron pointed me in the right direction so I was able to set this up for my customer with having him open a six digit account.

Stuart, I see great potential in this group that has been formed. I am very happy that Ron is someone I can work with and is interested in helping ME develop business and I appreciate your commitment to it.....Don Pollard

1/10/2017

FW: Retail sales Rep - Gonzalez Gonzalez

FW: Retail sales Rep

ronaldgonzalez@ups.com

Tue 4/24/2012 3:11 PM


To: rong@live.com <rong@live.com>; claudiawg@live.com <claudiawg@live.com>;

Ron Gonzalez
Sales Representative

800.550.4184 ext. 2222
800.831.7990 Fax

800.877.1760 The UPS Store Preferred Line
888.553.1118 Technical Support

ronaldgonzalez@ups.com
thenewlogistics.com



WE ♥ LOGISTICS

Decision GreenSM - Consider the environment before printing this e-mail.

UPS. WE ♥ LOGISTICS

From: Gutmann Kate (SER1KXG)
Sent: Tuesday, April 24, 2012 3:05 PM
To: Gonzalez Ronald (RDN4HPJ)
Cc: BUTLER JOHN (MAS1JCL)
Subject: FW: Retail sales Rep

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To: Mathis Stuart (IOY1SSM)
Cc: Dandrea Steve (NYC1SSD); Thomas J Heinz <tjheinz@aol.com>
Subject: Retail sales Rep

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In the end the only thing that counts is results. In working with Ron he has been helpful with two customers. In one instance I have a customer who over the last five years shipped frequently to Virgin Gorda. When she first came to me she insisted that I use FEDEX since in her words "you can't find UPS in Virgin Gorda". As a result I opened a FEDEX account and have done significant dollars with them. From time to time I had tried to use UPS but there were always major service issues, Trying to find someone at UPS to help me was impossible. Up until Ron calling me the only way I actually received any substantive response was to post a complaint on Twitter to which I received an immediate response.

RG000028

1/10/2017

FW: Retail sales Rep - Gonzalez Gonzalez

Since I have been working with Ron, I have had seven shipments to Virgin Gorda via UPS and none with FEDEX. I realize that for UPS this is insignificant but for me this means a lot. Another area Ron has been helpful in is for Inbound Intl shipments. I had a customer looking to do Inbound Air freight from Europe. Since I can't get a discounted rate I wanted to set this up for the customer direct wit SCS. When I tried doing this SCS kept telling me that the customer should open a six digit account and then work through SCS. This wasn't attractive to me as I didn't want to have my customer set up six digit account. Ron pointed me in the right direction so I was able to set this up for my customer with having him open a six digit account.

Stuart, I see great potential in this group that has been formed. I am very happy that Ron is someone I can work with and is interested in helping ME develop business and I appreciate your commitment to it.....Don Pollard

RG000029

1/10/2017


FW: praise for to Ron Gonzalez - Gonzalez Gonzalez

FW: praise for to Ron Gonzalez

ronaldgonzalez@ups.com

Thu 5/31/2012 7:48 AM

To: rong@live.com <rong@live.com>; claudiawg@live.com <claudiawg@live.com>;

<p>Ron Gonzalez Sales Representative</p> <p>800.550.4184 ext. 2222 800.831.7990 Fax</p> <p>800.877.1760 The UPS Store Preferred Line 888.553.1118 Technical Support</p> <p>ronaldgonzalez@ups.com thenawlogistics.com</p>	 WE ♥ LOGISTICS
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From: Therien Steve (sna1sxt)
Sent: Tuesday, May 29, 2012 10:48 AM
To: Gonzalez Ronald (RDN4HPJ)
Cc: CRAVER DERRICK (NTX1DXC); JOHNSON KRISTIFER (NWR1KMJ); EASON GRACE (ark1gee)
Subject: FW: praise for to Ron Gonzalez

Ron,

Great job in supporting The UPS Store and a package in distress! People are really busy these days so it means a lot when they take the time to write an e-mail like this one.

High praise indeed.

Thanks for what you do.

Steve Therien
UPS | Director of Enterprise Accounts | Cell (909) 772-3343 | stherien@ups.com

From: Bradley Kaplan [mailto:bkaplan@theupsstore.com]
Sent: Friday, May 25, 2012 8:03 PM
To: Therien Steve (sna1sxt)

RG000034

1/10/2017

FW: praise for to Ron Gonzalez - Gonzalez Gonzalez

Cc: Gonzalez Ronald (RDN4HPJ); Dandrea Steve (NYC1SSD); 'Tripp Singer'; Schlessinger Jay (CWW1JAS)

Subject: praise for to Ron Gonzalez

Steve,

I would like to send you a complimentary note about Ron Gonzalez.

On Thursday we shipped a NDA letter for a customer and it had massive legal consequences for the customer if it did not arrive.

The customer could have it arrive tomorrow (Saturday) but not any latter.

It initially had 1 scan leaving one of my stores yesterday. Once I learned about the issue I brought Ron into the mix about 4pm. Ron and me both agreed the best assumption was that it got mis-sorted and would appear tonight. None the less he started putting feelers out in multiple areas to locate it. It was not able to be located this way but he tried. Then he reached out to World Port and got 24 hour access #s in case it was located in a nighttime sort so we could still act on it.

When Ron left for the day he provided me his cell phone number. Fortunately about 8:30pm it got a new scan. Ron immediately had the piece retrieved and a new Next Day Saturday Early AM tracking # assigned to it.

The customer was super happy. He saw the efforts that Ron and I went thru to help his really bad situation. And by bad, I mean bad..... It would have not been resolved if it was not for Ron.

I hope never to need to use Ron in this manner again, but it is good to know that people like him exist, and really do care about helping us. (now let's keep our fingers crossed that it gets safely delivered tomorrow morning)

best regards

Bradley Kaplan
Owner
The UPS Store

130 7th ave
388 2nd ave
1514 Broadway
888c 8th ave
105 W 86th st
2753 Broadway
603 W 115th st

e-mail: bkaplan@theupsstore.com
phone: (212) 375-8292
fax: (646) 355-0184

RG000035

1/10/2017

FW: Memo to Stuart - Gonzalez Gonzalez

FW: Memo to Stuart

ronaldgonzalez@ups.com

Tue 7/31/2012 4:01 PM


To: rong@live.com <rong@live.com>;

Ron Gonzalez
Sales Representative

800.550.4184 ext. 2222
800.831.7990 Fax

800.877.1760 The UPS Store Preferred Line
800.782.7892 International Customer Support

ronaldgonzalez@ups.com
thenewlogistics.com


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From: Bill Anderson [mailto:phillymbe@sprintmail.com]
Sent: Thursday, June 07, 2012 12:35 PM
To: Gonzalez Ronald (RDN4HPJ)
Subject: Memo to Stuart

Ron – Here is the text of the memo I emailed to Stuart suggesting that MBE and UPS invite you and your colleagues to attend the upcoming convention. I hope that you all are able to come, but if not, the presence of a portion of your team would be good.

Stuart – I wanted to commend you and your team for reinstating the position of Retail Sales Consultant, investing it with the authority to tackle problems and solve them and for selecting Ron Gonzales for the position. I've spoken at length with him and am now working on an international shipping issue with him. While it is not concluded and may not turn in my favor, I'm very impressed by his problem solving capabilities and his enthusiasm for working with center owners and trying to assist them. He reminds me of the strong Major Account Reps we use to work with when I was first a center owner.

I asked him if I would meet him at the Convention. He said he didn't know if he and his colleagues would be there, that it was up to his bosses. I'd like to encourage you, Rocky and Ed Pike to strongly consider bringing in this new layer of franchisee assistance, introduce them to the attendees and present them as a new benefit from MBE and UPS. With all of the new initiatives, new products and product enhancements, the introduction of this new team of sales and operations specialists will only compliment your efforts.

Good luck and I hope to meet you in Las Vegas.

Best regards

Bill

RG000036

1/10/2017

FW: Memo to Stuart - Gonzalez Gonzalez

The UPS Store 507/2473/3263

Bill Anderson

Franchisee

phillymbe@sprintmail.com

1735 Market St.

Suite A

Philadelphia, PA 19103

tel: 215 567 6006 ☎

fax: 215 567 0669

mobile: (215) 681-6832 ☎

Add me to your address book.. Want a signature like this?

RG000037



Certificate of Recognition

Presented to
Ronald Gonzalez
In Grateful Appreciation for
5 Years
of Dedicated Service
2012

A handwritten signature in black ink, appearing to read "Gerard Gibbons".

Gerard Gibbons
President
US Sales

Welcome to the UPS Leave Management System

Home Case Reporting Site Administration Help Log Off

UPS Production Environment
Hewitt Datacenter

View Case Notes

This screen allows you to see all the notes for this claim. They are displayed in date order; you can sort them by clicking on the header and view selected notes by using the filter.

Case Information collapse

Name	RONALD GONZALEZ	HRID	3228992	Plan Name(s)	FEDERAL - FMLA
Employer	UPS	Location/Division	869103		
Case #	23899	Benefit Type	LOA	Case Status	Closed
Alternate Case #	NA	Case Manager	Candice Robinson	Approval Status	Approved
Continuous or Intermittent	Intermittent	Leave Request Application Date	04/12/2012	Reason for Leave	My Own Medical Condition
Requested Leave Start Date	04/13/2012	Requested Leave End Date	12/30/2012	Requested RTW	12/31/2012
Approved Leave Start Date	04/13/2012	Approved Leave End Date	12/30/2012	Approved RTW	12/31/2012
Actual Leave Start Date	05/09/2012	Actual Leave End Date	NA	Actual RTW	NA

Filter Notes

User Filter	Select User	Task Type / Screen Name Filter	Select All
Date From	04/12/2012	Date Through	10/17/2012
		<input type="button" value="View Case"/>	<input type="button" value="Cancel"/> <input type="button" value="Reset"/> <input type="button" value="Submit"/>

Case Notes

User Name	Date / Time Stamp	Task Type / Screen Name
Candice Robinson	10/16/2012 01:30 PM	Close Case
The claim was closed by Candice Robinson on 10/16/2012 with the reason Exhausted.		
Nucleus Administrator	10/16/2012 04:11 AM	Case Email
<p>An email was sent on 10/16/2012 at 04:11 AM.</p> <p>To: geason@ups.com</p> <p>From: leaverecords@ups.com</p> <p>BCC:</p> <p>CC: GVOSGERCHIAN@UPS.COM, MONICASHORTER@UPS.COM</p> <p>Subject: ACTION NEEDED:Maximum Leave Duration Reached for RONALD GONZALEZ, Case #23899, HRID#: 3228992</p> <p>Body:</p> <p>According to our records, the following employee has exhausted all of the available leave time available under UPS's policy.</p> <p>If the person referenced in this email is not in your work group or you are now responsible for a different workgroup, forward this email to their current supervisor and correct your hierarchy in GEMS. <u>Failing to take action may cause this employee's compensation and benefits to be negatively impacted.</u></p> <p>Employee: RONALD GONZALEZ</p> <p>Leave Reason: My Own Medical Condition</p> <p>Leave Start: April 13, 2012</p> <p>Expected Return to Work: December 30, 2012</p> <p>ACTION NEEDED: To learn about next steps please contact the UPS Human Resources Service Center at 1-855-UPS-HRSC (855-877-4772). Service Center Agents are available between 8:00 a.m. and 9:00 p.m. Eastern time, Monday to Friday.</p> <p>Please engage your local Labor Manager for Union employees.</p> <p>UPS Human Resources Service Center</p>		

D-RG-000226

Employee HRID: 3228992		
Nucleus Administrator	09/26/2012 05:08 PM	Fulfillment Action
The PDF fulfillment/correspondence document(s) associated with case 23899, task 401012 were "emailed" at 05:08:00 PM on 09/26/2012.		
Nucleus Administrator	09/26/2012 05:08 PM	Case Email
An email was sent on 09/26/2012 at 05:08 PM. To: rongon@satx.rr.com From: leaverrecords@ups.com BCC: CC: Subject: Outbound Correspondence PDF Email--; 23899 Body: September 26, 2012 RE: RONALD GONZALEZ Employee ID 3228992 Case ID: 23899: RE: Leave Request Please refer to the attached documents for important instructions regarding the above leave case. Sincerely, UPS Human Resources Service Center Employee HRID: 3228992		
Candice Robinson	09/26/2012 05:08 PM	Fulfillment
Sent emp doc		
Candice Robinson	09/26/2012 05:06 PM	Fulfillment
generate docs		
JACQUELINE BROWN1	09/17/2012 10:34 AM	Phone Note
dserrano-ee called in to find out how he can get FMLA usage corrected that was input by local before 4-2-12		
RALPH BROWN JR1	09/10/2012 04:45 PM	Generic
RALPH BROWN JR1 reassigned the case to Candice Robinson.		
ENDIA WORD	09/04/2012 08:32 AM	Phone Note
EE called to inquire if local has update his fmla usage from 10/2011 to 02/26/2012/ 1 advised ee his usage has not been updated.		
LaPanda Mason	08/20/2012 10:51 AM	Phone Note
EE called in to verify if we have rcvd the fax from payroll showing that he was not on leave/STD at anytime this year, informed EE that we have not rcvd anything from payroll yet and he may want to verify w/them.		
Jane Speck	08/18/2012 09:43 AM	Fulfillment
Gen		
CHRISTOPHER HANNERS1	08/17/2012 06:40 PM	Generic
CHRISTOPHER HANNERS1 reassigned the case to Jane Speck.		
CHRISTOPHER HANNERS1	08/17/2012 06:38 PM	Generic
CHRISTOPHER HANNERS1 reassigned the case to Jane Speck.		
CHRISTOPHER HANNERS1	08/17/2012 06:35 PM	Generic
CHRISTOPHER HANNERS1 reassigned the case to Jane Speck.		
Erick Jackson	08/15/2012 09:57 AM	Phone Note
Ron called in to question hours used. Said he has not exhausted his hours. Will get with payroll about getting info to show he was not out during this time so hours can be adjusted. close case 20915		
Nucleus Administrator	08/14/2012 04:49 PM	Fulfillment Action
The PDF fulfillment/correspondence document(s) associated with case 23899, task 300496 were "emailed" at 04:48:51 PM on 08/14/2012.		
Nucleus Administrator	08/14/2012 04:49 PM	Case Email
An email was sent on 08/14/2012 at 04:49 PM. To: rongon@satx.rr.com From: leaverrecords@ups.com BCC: CC: Subject: Outbound Correspondence PDF Email--; 23899 Body: August 14, 2012 RE: RONALD GONZALEZ Employee ID 3228992 Case ID: 23899: RE: Leave Request Please refer to the attached documents for important instructions regarding the above leave case. Sincerely, UPS Human Resources Service Center Employee HRID: 3228992		
LaPanda Mason	08/13/2012 05:32 PM	Fulfillment
FMLA/State Leave Time Will Exhaust Letter sent.		
LaPanda Mason	08/13/2012 05:31 PM	Fulfillment
Generate document.		
Cynthia Kohnle	07/31/2012 06:07 PM	Phone Note
Adrienne Holland & Carmen called regarding the leave time showing for this ee. Carmen only showed that he had taken a total of 8 hrs so far for FMLA this year, however, she didn't show that the ee had been out on std beginning 10/27/11 and ending 3/16/12. Carmen did not show that the ee was out on std, however, in the closed case there is documentation from Aetna showing an absence and then a denial after 2/26/12. Adrienne and Carmen will get with Aetna and see what the issue is and then call us back and provide us with details of what occurred.		
LaPanda Mason	07/23/2012 11:02 AM	Phone Note
Leave exhaustion letter sent less than a week ago.		
LaPanda Mason	07/18/2012 12:37 PM	Phone Note
Leave exhaustion letter sent less than a week ago.		
Nucleus Administrator	07/12/2012 12:53 PM	Fulfillment Action
The PDF fulfillment/correspondence document(s) associated with case 23899, task 233318 were "emailed" at 12:52:38 PM on 07/12/2012.		
Nucleus Administrator	07/12/2012 12:53 PM	Case Email
An email was sent on 07/12/2012 at 12:53 PM. To: rongon@satx.rr.com From: leaverrecords@ups.com BCC: CC: Subject: Outbound Correspondence PDF Email--; 23899 Body: July 12, 2012 RE: RONALD GONZALEZ Case ID: 23899:		

D-RG-000227



Summary Plan Description



The Flexible Benefits Plan

CONFIDENTIAL

D-RG-000617

Income Protection Plan: Short-Term Disability (STD)

Short-term disability coverage is available to all full-time and part-time employees eligible for The Flexible Benefits Plan when coverage begins under the Plan. The Plan pays a percentage of your base pay for any one continuous period of disability, up to the maximum STD benefit period for your job classification, as indicated below.

Administrative or Technical Employees (Hourly Paid)

The Plan pays disability benefits for a maximum of 26 weeks, at 100 percent of your base pay for up to 13 weeks and 60 percent of your base pay for any remaining weeks during that same approved disability period.

Aetna Disability and Absence Management (ADAM) will administer your STD benefit payments. You will be billed by the Benefits Service Center for your share of the cost of your Flexible Benefits Plan coverage.

STD benefits are taxed when paid to you. If you are an administrative or technical employee (hourly paid), ADAM will issue all W-2 forms for any benefits received under the STD Plan.

Management or Specialist Employees

The Plan pays 100 percent of your base pay for up to 26 weeks. You will continue to receive your check from the Company, with your usual payroll deductions, during the time you are approved for STD benefits. Aetna Disability and Absence Management (ADAM) will administer your STD benefit payments and assign a case manager to work with you.

STD benefits are taxed when paid to you. If you are a management or specialist employee (salaried), the Company will issue all W-2 forms.

Income Protection Plan (cont.)

- You fail to provide objective medical documentation requested by MetLife
- You fail to comply with a reasonable course of medical treatment and care necessary and appropriate to treat and/or resolve the condition for which you're receiving disability benefits which includes, but is not limited to, your receiving treatment from a health care or mental health professional who does not have appropriate training and experience in the field of medicine related to your particular disability
- You fail to comply with an independent medical examination, functional capacity evaluation or other evaluation as may be required by MetLife
- You fail to apply, reapply and appeal any denials of Social Security disability insurance benefits as well as any state-provided disability benefits to which you may be entitled, until all such applications and appeals are exhausted
- You begin receiving benefits from the UPS Retirement Plan
- You fail to comply with a residual disability/return to work plan approved by MetLife and UPS
- You elected LTD Option 3 and have reached the end of the five-year benefit period (even if you are still disabled)

Health Care Coverage and the Income Protection Plan

You and your covered dependents will continue to receive Flexible Benefits Plan coverage for up to 12 months following the date of your disability, as long as you continue to be approved for benefits by the claims administrator. You continue to be responsible for your share, if any, of the cost of coverage either through billing statements or payroll deductions (if you

are receiving a paycheck from UPS). At the latest, coverage will end on the last day of the twelfth (12th) full month of continuous disability, as long as you continue to pay your share of the cost.

You cannot change your elections for life or AD&D insurance while you are absent due to disability.

When your 12-month extension of health care coverage ends, you and your dependents may elect COBRA continuation for 18 months, for a total of 30 months of continued coverage. (See the *Continuation of Coverage Under COBRA* section for more information.) Or, if you are eligible and approved for LTD benefits, you may begin health care and basic life insurance coverage for you and your dependents and basic AD&D coverage for you under the Retired Employees' Health Care Plan. You will receive a Summary Plan Description for your LTD health care, life insurance and AD&D coverage when you are approved for LTD.

UPS pays for coverage in the Retired Employees' Health Care Plan for the first 18 months in the Plan. Thereafter you are required to pay the cost of coverage. Any credits you have accrued through the UPS Retirement Plan at the time of your disability are used to offset your cost.

Credits accrue only while you are an active employee. See your UPS Retirement Plan SPD for information about credits.

If you become eligible for Medicare benefits as a result of a disability, there are rules that determine whether The Flexible Benefits Plan pays benefits first, or whether Medicare is primary. See *Coordination With Medicare* in the *Filing a Claim* section.

The Flexible Benefits Plan does not cover any expenses related to an occupational disability. You must submit claims directly related to your occupational disabilities to the Workers' Compensation Administrator.

Your Employment Status

Except as limited below, if you are absent from your regular occupation for 12 months, you will be administratively separated from employment, regardless of your status on STD or LTD.

You must return to your regular occupation or any position provided as a reasonable accommodation under the Americans With Disabilities Act (ADA) (or state equivalent) for at least 30 calendar days before a new 12-month period will begin. Time spent performing modified work under the Residual Disability Program is not provided as a reasonable accommodation under the ADA (or state equivalent); thus such time is considered an absence and does not extend this 12-month period. For example, if your disability begins July 15, 2009, you will be administratively separated July 14, 2010.

If your disability should end after your separation and you are able to return to work, you will be considered for employment based on your experience and skills, as would any other applicant.

Reasonable Accommodation Assessment

If, during your 12-month absence, you have requested an accommodation (or UPS has enough information to already know that an accommodation may be necessary) under the ADA (or state equivalent), you will be referred to a Human Resources representative responsible for ADA (or state equivalent) compliance to

determine whether you are eligible for an accommodation under applicable law and, if so, whether a reasonable accommodation is available (refer to the *UPS Equal Opportunity Statement*, available at www.UPSers.com).

If an accommodation request is being processed at the 12-month date, an administrative termination will not occur, and health care coverage under The Flexible Benefits Plan will continue, until a decision has been made regarding the accommodation request. Once the 12-month date has passed, you will be administratively separated if you fail to participate in the interactive process or at such time as UPS has determined that no reasonable accommodation is available or that providing an accommodation would be an undue burden.

Right of Recovery Provision

In some situations, you or your covered dependents may be entitled to certain payments from another source following an injury or illness, or you may receive Plan payments in error. See *Right of Recovery Provision* in the *Filing a Claim* section for details on the Plan's right of recovery provisions.

How to File a Claim

See the *Filing a Claim* section.



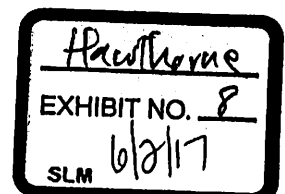
ACCOMMODATION CHECKLIST (Non-Union) (Revised effective 01/01/2014)

Name: Ronald Gonzalez
 EMPID #: 3228992
 Date of Meeting: _____
 Completed By: Lenroe Hawthorne
 Others in Attendance: _____
 Region: 20
 District: 28
 Building: San Antonio Inside sales

A. To Be Answered By The Employee:

In answering the following questions, you should refer to the essential job functions for your current position, a copy of which will be provided to you.

1. What is your current job at UPS:
Specialist - Enterprise Account Representative, The UPS Stores
2. Identify all of the medical restrictions that you believe affect your ability to perform the essential functions of your current job and that led to your request for an accommodation: My doctors have advised/provided documentation to Patricia Lorio. Some of them are: minimal use of upper extremities, no lifting, pushing or pulling over 5 lbs. Limited strength and range of motion. Pain medication side effects effect retention, focus, concentration and the ability to make decisions. Depression, anxiety & insomnia also have an impact. My doctors have stated I can work no more than 4 hours a day.
3. Describe any accommodations that you believe would permit you to be able to perform the essential functions of your current job: Ergonomic workstation, reduce repetitive tasks, intermix tasks with other duties, allow work from home, part time work, allow phone calls during work hours to doctors and others for support. Allow time off for medical treatment, allow more frequent breaks, reduce physical exertion, allow a self-paced workload. Work independently or in a small group and in an environment that is not noisy. 1-2 more breaks in morning and afternoon to take medication and relieve any stress on my body.



4. Identify any other jobs at UPS for which you believe you could perform the essential functions:

I am not aware of other positions.

For each job identified above, please specify any accommodations that you believe would be necessary in order for you to perform the essential job functions of the position:

5. Please describe any of the following attributes that you believe may assist UPS in assessing your qualifications for potential accommodations:

- Skills: Verbal and written communication skills
Collaborative skills
- Prior work experience: Worked independently and in small groups
selling commercial and industrial control plant equipment.
Called on professional engineers and contractors
- Training: Nearly 7 years UPS product/service on the job and training
programs. Spm selling, SSN selling, Company account
management and business programs and technology solutions.
- Education: Approximately 3 yrs undergrad course studies,
liberal arts.

6. How far are you willing to commute for any reassignment (e.g., within a 30-mile radius of your current work location or within a 45-minute drive from your home)?

Willing to commute within a 20 minute drive from my home

7. Full-time employees only: If transfer or reassignment to another position is explored as a reasonable accommodation and a full-time position cannot be identified, are you willing to consider transfer or reassignment into a part-time position? Yes I am willing to consider a transfer/reassignment into a part-time position with health benefits and duties approved by my doctors.

8. Are there any limitations on your ability to work particular shifts or hours of work? If so, please explain. My doctors have stated I can work no more than 4 hours a day. Due to prescription medications taken at night, first shift work is best.

Employee Signature [Signature]

Date April 9, 2014

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REQUEST FOR MEDICAL INFORMATION
(Revised effective 11/27/12)

Employee's Name: RONALD GONZALEZ

TO BE COMPLETED BY EMPLOYEE'S MEDICAL PROVIDER

A. Instructions

The employee listed above has submitted a request for a job-related accommodation arising out of a medical condition. The Genetic Information Nondiscrimination Act of 2008 prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. In order for UPS to assess the employee's request, please complete the following information and return it to me in the enclosed envelope or FAX it to me at:

Patricia Lorio
10881 West Lowell Ave.
Suite 300
Overland Park, KS 66210
Phone: 1-855-UPS-HRSC (1-855-877-4772)
FAX: 1-877-251-6166

If you have any questions relating to the completion of this form or need clarification of any of the information requested, please call the Occupational Health Supervisor at the number listed above. If additional space is necessary, please feel free to attach additional sheets. Although it is important that you complete this entire form, you are also welcome to include or attach additional information that you or the employee believes may assist the Company in assessing the employee's request for accommodation. UPS appreciates your cooperation and assistance.

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B. Requested Information

Attached to this form is a description of the essential functions of the employee's current position with UPS. If you have any questions about the description of the essential functions of the employee's position, please contact the Occupational Health Supervisor for clarification or explanation. After reviewing this description and evaluating the employee, please answer the following questions.

1. Is the employee currently able to perform all of the functions of his/her position?

____ Yes ☒ No

2. If the answer to Question 1 is "no," using the enclosed essential job functions form, please identify the specific function(s) of the position that the employee is unable to perform.

unable to do continuous repetitive movements of upper extremities, decreased ability to make decisions due to medication prescribed.

3. Please identify the diagnosis or describe the condition that precludes or impairs the employee's ability to perform the specific job function(s) identified in response to Question 2.

*decreased range of motion of upper extremity
and decreased ability of concentration
729.5 arm pain
Depression - per psychiatrist*

- a. For each diagnosis or condition identified in Question 3 above, describe in detail the degree or extent of the job restrictions and state the known or expected duration of the job restrictions (e.g., employee's 40-pound lifting restriction is permanent;

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